

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MC ALLEN DIVISION**

McAllen Grace Brethren Church, et al.,

Plaintiffs,

v.

Case No. 7:07-cv-60

**Ken Salazar, Secretary of the
Department of the Interior**

Defendant.

DECLARATION OF STEVEN PAYSON

I, Steven Payson, do hereby state as follows:

1. I am the Senior Economist, in the Office of the Assistant Secretary – Indian Affairs, within the Department of the Interior (Department), which has responsibility for matters arising out of Indian relations within the United States.
2. As the Senior Economist, I am responsible for all matters involving economics within the Office of the Assistant Secretary – Indian Affairs.
3. The Assistant Secretary – Indian Affairs oversees the Bureau of Indian Affairs (BIA).
4. Since 1982, the BIA has periodically prepared American Indian Population and Labor Force Reports. The most recent population and labor force report released by the BIA is the “2005 American Indian Population and Labor Force Report.” This report was prepared by the BIA, Office of Indian Services.
5. In the “2005 American Indian Population and Labor Force Report,” the total number of enrolled members of the (then) 561 federally recognized tribes was estimated to be approximately 2.0 million.

6. The most recent official data on the total American Indian and Alaska Native population in the United States is based on the 2010 Census. As part of the 2010 Census Briefs, “The American Indian and Alaska Native Population: 2010” shows that 5.2 million people in the United States identified as American Indian and Alaska Native, either alone or in combination with one or more other races. Out of this total, 2.9 million people identified as American Indian and Alaska Native alone. The American Indian and Alaska Native alone or in combination population experienced rapid growth, increasing by 26.7 percent since 2000. The American Indian and Alaska Native “alone” population also experienced significant growth, increasing by 18.4 percent since 2000.

7. Census Bureau officials mentioned that in 2010, they had much greater outreach to Native Americans living on reservations, so it is possible that some of the apparent increase is not a genuine increase but the result of a difference in the way the population was counted in 2000 and 2010.

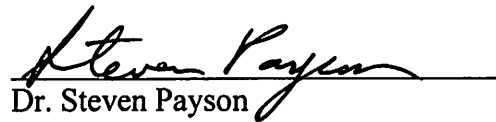
8. If the 26.7 percent growth rate between 2000 and 2010 is used, this reflects an average growth rate of 2.4 percent per annum, in contrast to a 0.9 percent growth rate per annum in the United States population overall (which includes immigrants).

9. The Office of the Assistant Secretary – Indian Affairs has been compiling population data since the “2005 American Indian Population and Labor Force Report,” and the best internal estimate of enrolled members of federally recognized tribes in 2010 is approximately 2.2 million.

10. The best internal estimate of current enrolled members of federally recognized tribes is 2.3 million. This figure is calculated by applying 2.2 million people to the Census-observed population growth rate for the “alone” population, which is 18.4 percent over the last 10 years, or 1.7 percent per year, implying a 3.4 percent growth rate over the years 2010-2012.

I declare under penalty of perjury that the foregoing is true and correct to the best of my current knowledge.

Executed in Washington, DC on May 16, 2012.

A handwritten signature in black ink, appearing to read "Steven Payson", is written over a horizontal line.

Dr. Steven Payson
Senior Economist
Department of the Interior – Indian Affairs
1849 C Street, N.W.
Washington, DC 20240